



# BODY ART NEWS

Kansas Board of Cosmetology Quarterly Newsletter

January 2016

## New Year - New Look

### Newsletters

This year, the newsletter has a new look. The Board will also publish a quarterly newsletter for each of the professions it regulates. Cosmetology and Tanning newsletters will be available on the Board's website.

If you have suggestions for articles, questions or information you would like to submit for publication, please contact the Board at [kboc@kboc.ks.gov](mailto:kboc@kboc.ks.gov).

## 2016 Legislative Session

The 2016 Legislative Session began on January 11, 2015. This year, the Board is seeking to change the name of the Board to the "Kansas Board of Beauty and Body Professions" to better reflect the professions it regulates.

## Examination Fees

On September 18, 2015, K.A.R. 69-11-1 was amended to increase examination fees. The fees charged for examination by Ergometrics are:

Practical Examination	\$75.00
Written Examination	\$75.00
Retest	\$75.00

Contact Ergometrics with any questions at 866-563-3882 or by selecting "Contact Support" at [www.cosmetologykansas.com](http://www.cosmetologykansas.com)

### 2016 Board Meeting Schedule

January 11 - Board Office

February 8 - Teleconference

March 14 - Board Office

April 11 - Teleconference

May 9 - Board Office

June 13 - Teleconference

July 11 - Board Office

August 8 - Teleconference

September 12 - Board Office

October 10 - Teleconference

November 14 - Board Office

December 12 - Teleconference

### Members of the Kansas Board of Cosmetology

**David Yocum - Chair**  
School Representative - Manhattan

**Tina Burgardt**  
Cosmetologist - Garden City

**Glenda Chappell**  
Public Member - Topeka

**Kimberley Holm**  
Public Member - Kansas City

**Roger Holmes - Vice Chair**  
Tanning Representative - Stillwell

**Kathryn Skepnek**  
Cosmetologist - Lawrence

**Janey McCarthy**  
Cosmetologist - Topeka

**Matthew Goss**  
Tattoo Artist - Manhattan

### Mission Statement

*To protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice.*

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# New Board Members

## Matthew Goss

Tattoo Artist

I started working at a Rad-A-Tat Tattoo on the weekends while I was in the Army stationed at Ft. Riley. When I got out of the Army I worked on and off as a front person for the next 10 years at Stray Cat Tattoo and Rad-A-Tat Tattoo while I finished my Graphic Arts and Auto Mechanic Degrees. I apprenticed under Robert at Stray Cat Tattoo and spent 5 years tattooing, painting and spending time with my wife and 4 children. If I'm in your town I will try to stop in and say hello.

I love our industry and will do what I can to preserve the history and heritage of tattooing and work as I can with legislators to educate them on our industry. I hope to build relationships with as many of you as I can and listen to your gripes, complaints and praises to our industry. Things I love are tattooing, painting and spending time with my wife and 4 children. If I'm in your town I will try to stop in and say hello.



## Janey McCarthy

Cosmetologist

I have been a licensed cosmetologist for the past 31 years, and am the owner of Blondie's Hair Designs in Topeka for the past 26 years. Recently, the salon has expanded to a new location with eight stylists.

I am very excited for the opportunity to serve on the Board of Cosmetology and to give back to a profession that has been very good to me.

## Staff Changes

Ms. Gloeckner was promoted to Director of Administration. Many of you know Ms. Gloeckner well from working with her in the body arts program. She will oversee the training of your new Body Arts licensing staff member, Michaela Ewing to ensure there is a smooth transition.

Wendy Flowers was promoted to Facility Inspector for Region 2.

LeAnna Hickman was promoted to Director of Licensing.

Michaela Ewing joined the Board's Licensing Department in December. She will handle body art licensure, out-of-state licensure for the cosmetology professions and continuing education for trainers and instructors. Michaela will also serve as the Board's records custodian for Kansas Open Records requests.

Aubrie Pryer joined the Board's Enforcement Department in December. She will handle felony applications, late apprentice applications, remedial actions, fines and complaints. Aubrie will also serve as Secretary to the Board.

## Inspections

### Spore Tests

If you download your spore test results from the Internet, please make sure to print a copy and have it ready for your inspection. You don't need to print an extra copy for the inspector because inspectors are no longer taking copies of the spore tests.

### Corrective Procedures

All before and after photographs of corrective procedures must be kept with the client record and not stored on cell phones, laptops, cameras, etc.

### K.A.R. 69-15-15(e)

"Each licensee providing tattoo or cosmetic tattoo services for corrective procedures shall take photographs before and after service. These photographs shall be maintained according to subsection (b)."

The regulation refers us to subsection (b) in 69-15-15 which states:

"Each licensee shall keep an individual record of each client for at least five years. Each record shall include the name and address of the client, the date and duration of each service, the type of identification presented, and the type of services provided."

# Unlicensed Practice

By Matt Goss, Board Member – Body Arts Representative

Welcome to the first edition of the Board's Body Art Newsletter. Many of you have asked me how to stop unlicensed activity in Kansas. I will be the first to say that it is difficult, but I believe that through observing the following guidelines and by working with the Board, we can definitely combat this problem.

I strongly encourage all artists to report unlicensed activity to the Board and to law enforcement. We should also encourage someone that is unhappy with their "kitchen magician" experience to file a complaint with the Board.

## Board Jurisdiction

The Board has authority to issue cease and desist orders and to assess fines for unlicensed practice, purporting to be an artist, unlicensed establishments and performing services on minors.

The Board also works closely with law enforcement to identify and stop unlicensed activity.

## Law Enforcement

Law enforcement may charge individuals with a Class A, non-person misdemeanor for practicing without a license and/or practicing on a minor. Only the Board has authority to discipline for operating an unlicensed establishment.

An additional benefit of contacting law enforcement is that they may have the ability to obtain a search warrant. This is especially useful in situations where an individual is operating out of a non-commercial location, such as a home.

In some smaller communities, law enforcement may be unaware that unlicensed practice is a crime. If you are reporting a violation to law enforcement, you may want to provide them with the following statutes:

### K.S.A. 65-1941(a)

"No person, including a tattoo artist, cosmetic tattoo artist or body piercer, shall perform tattooing, cosmetic tattooing or body piercing on another person, display a sign or in any other way advertise or purport to be a tattoo artist, cosmetic tattoo artist or body piercer unless that person holds a valid license issued by the board. This act does not prevent or affect the use of tattooing, cosmetic tattooing or body piercing by a physician, a person under the control and supervision of a physician, a licensed dentist, a person under the control and supervision of a licensed dentist, an individual performing tattooing, cosmetic tattooing or body piercing solely on such individual's body."

### K.S.A. 65-1953

"No person shall perform body piercing, cosmetic tattooing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing, cosmetic tattooing or tattooing procedure."

## Complaint Form

Individuals with direct knowledge of unlicensed activity, especially those that have received services from an unlicensed person, should report the violation to the Board.

In order to report a violation, a complaint form must be completed and submitted to the Board. The form is available on the Board's website and can be submitted by email, fax or mail.

The Board does not accept anonymous complaints because the Board may need to call on the complainant to complete an affidavit and/or testify at a hearing.

## Evidence

Before submitting a complaint or contacting law enforcement make sure you have good evidence that a violation occurred.

The more evidence that a violation has occurred, the greater the odds that the Board and/or law enforcement can take immediate action against an individual.

## Narrative

When completing the narrative portion of the complaint form, the best statements are those made by individuals with direct knowledge of the unlicensed activity.

Statements should include all of the following elements:

- What happened
- When it happened
- Where it happened
- Who it happened with

Complaints that only contain rumors without independent proof that a violation occurred cannot be considered as credible evidence.

## Identity

The name of the individual is extremely useful. It is very difficult for the Board to identify individuals who use aliases, whose last names are unknown or whose names are not known at all.

## Location

The physical address where the unlicensed activity is taking place or will take place will be needed. The Board can't serve an individual with a cease and desist order or ask law enforcement to investigate without a correct address.

If you are unable to determine the location, but have a phone number, the Board can use this information to try and locate the unlicensed individual.

## Dates & Hours

If the complaint is regarding a party or other pre-scheduled event, include the date and time of the event.

If the complaint is regarding an unlicensed individual working out of their home and you know when the unlicensed activity takes place include that information.

## Social Media

Frequently, evidence of unlicensed activity is obtained by being “friends” with the individual on sites such as Facebook. It is very important to provide screen shots with the complaint form because the Board will not be able to view any information that the individual only shares with “friends.”

When printing photos or posts from social media, a screen shot with the URL (web address) and the month, date and year of the posting is needed. You can download Greenshot or another application to easily take screen shots.

It is preferred that all screen shots be taken from a desktop and not from a cell phone since phones rarely include the URL and complete date of the posting.

## Advertising

Purporting to be an artist and false advertising are violations. Include any documentation or postings where the individual advertises that they are an artist and/or that they operate an establishment.

Some good examples of evidence include copies of business cards, pamphlets and business listings on Facebook.

## Photographs

If the complainant was tattooed or pierced by an unlicensed individual, photos of the tattoo or piercing along with the name of the individual, the date of the procedure and where the procedure was performed should be written on the back of each photograph.

## What Happens Next

The Board will send you a letter acknowledging receipt of your complaint. If the Board is unable to conduct an investigation, you will also be notified.

The Board will conduct an investigation if:

- it has legal authority (jurisdiction) to investigate;
- the complaint alleges a violation of the law;
- the complaint is not anonymous;
- the complaint contains enough information to proceed to investigation.

If the Board determines that a violation has occurred, it will issue an emergency cease and desist order and may also contact law enforcement.

After an emergency order is issued, the Board will assess fines against the individual through a summary proceeding order. The individual has the right to request a hearing and the complainant may be called to testify at the hearing.

## Conclusion

I would be interested in hearing any of your ideas on stopping unlicensed practice. I believe that we have a great Board and they are willing to work with us and for us in stopping unlicensed activity.

I would encourage anyone with ideas or questions to contact me at [matthewgoss@gmail.com](mailto:matthewgoss@gmail.com) or Laurel Lowrie at the Board office at [laurel.lowrie@kboc.ks.gov](mailto:laurel.lowrie@kboc.ks.gov).

## Contact Us

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Topeka, Kansas 66603

Email:  
[kboc@kboc.ks.gov](mailto:kboc@kboc.ks.gov)

Phone: (785) 296-3155  
Fax: (785) 296-3002

Website  
[www.kansas.gov/kboc](http://www.kansas.gov/kboc)

## Kansas Board of Cosmetology Staff Contacts

Visit our website for a complete list of  
staff email and phone numbers.

### Chiquita C. Coggs

### Executive Director

#### ADMINISTRATION

Ms. Gloeckner  
Director of Administration

Personnel Services, Budget,  
IT, Website

Mary Ann Robison

Accounts Receivable/  
Payable

Mary Lou Cheray

File Management

#### LICENSING

LeAnna Hickman  
Director of Licensing

Initial Practitioner Licensure  
Examinations, Temporary  
Permits

Michaela Ewing

Body Art Licensure, Facility  
Paper Renewals, Continuing  
Education, Out-of-State  
Licensure, Schools, Open  
Records Requests

Vickie Rodriguez

Facility Licensure, All Online  
Renewals, Practitioner  
Renewals, Duplicate  
Licenses

Darla Ray

Name/Address Changes  
Facility/Owner Changes  
Board Verifications

#### ENFORCEMENT

Laurel Lowrie  
Director of Enforcement

Inspection Program  
Disciplinary Actions

Aubrie Pryer

Felony and Apprentice  
Applications, Remedial  
Actions, Complaints,  
Board Meetings

Ava Fiene  
Wendy Flowers  
Diane Pottberg  
Jessica Laughlin  
Brian Tice

Inspector - Region 1  
Inspector - Region 2  
Inspector - Region 3  
Inspector - Region 4  
Inspector - Region 5